

such individuals and in which at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

“*Usable in or Capable of*”. (MTCR context)—Equipment, parts, components or “software” that are suitable for a particular purpose. There is no need for the equipment, parts, components or “software” to have been configured, modified or specified for the particular purpose. For example, any military specification memory circuit would be “capable of” operation in a guidance system.

“*Use*”. (All categories and General Technology Note)—Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

“*User-accessible programmability*”. (Cat 4, 5, and 6)—The facility allowing a user to insert, modify, or replace “programs” by means other than:

(a) A physical change in wiring or interconnections; or

(b) The setting of function controls including entry of parameters.

Utilization facility. (a) As defined by 10 CFR 110.2 of the Nuclear Regulatory Commission Regulations, utilization facility means a nuclear reactor, other than one that is a production facility, any of the following major components of a nuclear reactor: Pressure vessels designed to contain the core of a nuclear reactor, other than one that is a production facility, and the following major components of a nuclear reactor:

- (1) Primary coolant pumps;
- (2) Fuel charging or discharging machines; and
- (3) Control rods.

(b) Utilization facility does not include the steam turbine generator portion of a nuclear power plant.

“*Vacuum Atomization*”. (Cat 1)—A process to reduce a molten stream of metal to droplets of a diameter of 500 micrometer or less by the rapid evolution of a dissolved gas upon exposure to a vacuum.

“*Variable geometry airfoils*”. (Cat 7)—Use trailing edge flaps or tabs, or leading edge slats or pivoted nose droop, the position of which can be controlled in flight.

“*Vector Rate*”. (Cat 4)—See: “Two dimensional Vector Rate”; “Three dimensional Vector Rate”.

You. Any person, including a natural person, including a citizen of the United States or any foreign country; any firm; any government, government agency, government department, or government commission; any labor union; any fraternal or social organization; and any other association or organization whether or not organized for profit.

[61 FR 12925, Mar. 25, 1996, as amended at 61 FR 68586, Dec. 30, 1996; 62 FR 6686, Feb. 12, 1997; 62 FR 25470, May 9, 1997; 63 FR 50525, Sept. 22, 1998; 63 FR 72166, Dec. 31, 1998; 64 FR 1122, Jan. 8, 1999; 64 FR 5932, Feb. 8, 1999; 64 FR 13339, Mar. 18, 1999; 64 FR 27146, May 18, 1999; 65 FR 2501, Jan. 14, 2000; 65 FR 34075, May 26, 2000; 65 FR 42573, July 10, 2000; 65 FR 43133, July 12, 2000; 65 FR 62609, Oct. 19, 2000; 66 FR 18402, Apr. 9, 2001; 66 FR 36683, July 12, 2001; 66 FR 36910, July 16, 2001; 66 FR 461, Jan. 3, 2002; 67 FR 38869, June 6, 2002; 67 FR 54953, Aug. 27, 2002; 67 FR 55599, Aug. 29, 2002; 68 FR 10591, Mar. 5, 2003; 68 FR 34195, June 6, 2003; 68 FR 50474, Aug. 21, 2003; 68 FR 54656, Sept. 18, 2003; 68 FR 60289, Oct. 22, 2003; 68 FR 68980, Dec. 10, 2003; 69 FR 23638, Apr. 29, 2004; 69 FR 36011, June 28, 2004; 69 FR 46080, July 30, 2004; 69 FR 60546, Oct. 12, 2004; 69 FR 71364, Dec. 9, 2004]

EDITORIAL NOTE: At 66 FR 36910, July 16, 2001, §772.1 was amended by revising the phrase “Cat. 1 and 7” to read “All Categories” in the definition for “*Production*”. However, this phrase does not exist in this section.

PART 774—THE COMMERCE CONTROL LIST

Sec.

774.1 Introduction.

774.2 [Reserved]

SUPPLEMENT NO. 1 TO PART 774—THE COMMERCE CONTROL LIST

SUPPLEMENT NO. 2 TO PART 774—GENERAL TECHNOLOGY AND SOFTWARE NOTES

SUPPLEMENT NO. 3 TO PART 774—STATEMENT OF UNDERSTANDING

SOURCE: 61 FR 12937, Mar. 25, 1996, unless otherwise noted.

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 13026, 61 FR 58767, 3 CFR, 1996

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Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

§ 774.1 Introduction.

In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL) that includes items (commodities, software, and technology) subject to the authority of BIS. The CCL does not include those items exclusively controlled for export by another department or agency of the U.S. Government. In instances where other agencies administer controls over related items, entries in the CCL will contain a reference to these controls. Those items subject to the EAR but not specified on the CCL are identified by the designator "EAR99". See § 734.2(a) of the EAR for items that are "subject to the EAR". You should consult part 738 of the EAR for an explanation of the organization of the CCL and its relationship to the Country Chart.

The CCL is contained in Supplement No. 1 to this part, and Supplement No. 2 to this part contains the General Technology and Software Notes relevant to entries contained in the CCL.

§ 774.2 [Reserved]

**SUPPLEMENT NO. 1 TO PART 774—THE
COMMERCE CONTROL LIST**

CATEGORY 0—NUCLEAR MATERIALS, FACILITIES, AND EQUIPMENT [AND MISCELLANEOUS ITEMS]

A. SYSTEMS, EQUIPMENT AND COMPONENTS

0A001 "Nuclear reactors", i.e., reactors capable of operation so as to maintain a controlled, self-sustaining fission chain reaction, and equipment and components specially designed or prepared for use in connection with a "nuclear reactor", including (see List of Items Controlled).

LICENSE REQUIREMENTS

Reason for Control:

Control(s): Items described in 0A001 are subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110)

LICENSE EXCEPTIONS

LVS: N/A

GBS: N/A

CIV: N/A

LIST OF ITEMS CONTROLLED

Unit: N/A.

Related Controls: N/A

Related Definitions: N/A

Items: a. Pressure vessels, i.e. metal vessels as complete units or X parts therefor, which are specially designed or prepared to contain the core of a "nuclear reactor" and are capable of withstanding the operating pressure of the primary coolant, including the top plate for a reactor pressure vessel;

b. Fuel element handling equipment, including reactor fuel charging and discharging machines;

c. Control rods specially designed or prepared for the control of the reaction rate in a "nuclear reactor", including the neutron absorbing part and the support or suspension structures therefore, and control rod guide tubes;

d. Electronic controls for controlling the power levels in "nuclear reactors", including reactor control rod drive mechanisms and radiation detection and measuring instruments to determine neutron flux levels;

e. Pressure tubes specially designed or prepared to contain fuel elements and the primary coolant in a "nuclear reactor" at an operating pressure in excess of 5.1 MPa;

f. Tubes or assemblies of tubes, made from zirconium metal or alloy in which the ratio of hafnium to zirconium is less than 1:500 parts by weight, specially designed or prepared for use in a "nuclear reactor";

g. Coolant pumps specially designed or prepared for circulating the primary coolant of "nuclear reactors";

h. Internal components specially designed or prepared for the operation of a "nuclear reactor", including core support structures, thermal shields, baffles, core grid plates and diffuser plates;

i. Heat exchangers.

0A002 Power generating or propulsion equipment specially designed for use with space, marine or mobile "nuclear reactors". (These items are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls. See 22 CFR part 121.)

0A018 Items on the Wassenaar Munitions List.

LICENSE REQUIREMENTS

Reason for Control: NS, AT, UN.

Control(s)	Country chart
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.
UN applies to entire entry	Iraq and Rwanda.

LICENSE EXCEPTIONS

LVS: \$5000 for 0A018.a

\$3000 for 0A018.b

\$1500 for 0A018.c and .d

\$0 for Rwanda